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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/631,730 | 08/03/2000 | Akito Ohkubo | Q60282 | 9227 |

7590 10/12/2005

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| EXAMINER |
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NGUYEN, MADELEINE ANH VINH

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| ART UNIT | PAPER NUMBER |
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2626

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,730

Applicant(s)

OHKUBO, AKITO

Examiner

Madeleine AV Nguyen

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 3-5 and 9 is/are allowed.
6) ☒ Claim(s) 1,2,6-8 and 10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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DETAILED ACTION

This communication is responsive to amendment filed on July 12,2005.

Response to Arguments

1. Applicant's arguments filed on July 12,2005 have been fully considered but they are not persuasive for the following reasons:

a. Rejection under 35 USC 112, First Paragraph

Applicant refers to page 5, lines 23-25 of the specification but nothing shows that “The coordinates obtaining step is claimed to not be required to be performed in any particular order in relation to the image data obtaining step and the first conversion step.

In addition, “in sequence of the step of be executed” wherein “step” is in singular.

Clarification is needed on how many steps the sequence has and what they are.

b. Rejection Under 35 USC 102(b) – Ueda

i. Applicant remarks that Ueda does not disclose that image data is subjected to a color correction.

Lines 3-4 of claim 1 states that the received image is subjected to a color correction without describing when, how the received image is corrected. Only the first conversion step and the coordinates obtaining step are claimed without mentioning the color correction of the original. Thus, the association between colors before and after the color correction is extracted is indefinite since there is nothing in the claim mentioning what, when and how the “colors” are corrected.

Art Unit: 2626

In addition, Ueda teaches a color correction (color adjustment portion 29, Fig.1) which corrects the LUT characteristic values and a lattice address calculation portion 27 which calculates the Lab discrimination number sets based on the adjusted LUT characteristic values supplies from the color adjustment portion 29 (col. 6, lines 10-23). Therefore, Ueda teaches that image data is subjected to a color correction.

ii. Applicant remarks that Ueda does not disclose a first conversion step in which the conversion is “in accordance with characteristic of an image output of the output device” as recited in claim 1.

Ueda teaches in Fig.3 step S100 which display original image and step S105 in which the RGB display 13 is controlled to show color maps to request the user to designate his/her desired color adjustment amount by the mouse 15a. Thus, the conversion is “in accordance with characteristic of an image output of the RGB display 13.

iii. Applicant remarks that Ueda teaches obtaining only a single kind of Lab data, which cannot extract the association between colors before and after color correction as recited in the claimed invention.

Ueda teaches in Fig.6 the LUT 7a in which the plurality of discrimination number sets Lab and a plurality of sets of CMY values are stored. In more concrete terms, the LTU stores CMY value sets at the respective addresses wherein each set of CMY values is determined as a control signal for controlling an output device connected to the device 1 to reproduce the same color as that of a lattice point defined in the LAB color space by the corresponding discrimination number set Lab (col. 8, lines 15-35). Thus, the LUT in Fig.6 is considered as the association between colors before and after color correction.

Art Unit: 2626

Therefore, the rejection of claims 1-1- is maintained. In addition, it is noted that the rejection of claims 1-10 is based on examiner's best interpretation of the claim due to the 35 USC 112 rejections.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitation in claim 1 disclosing "said coordinates obtaining step being not restricted in sequence of the step to be executed" is not supported in detail, nor does the specification emphasize such a process. In addition, it is noted that, since "sequence of the step" where step is in singular means that the sequence has only one step which does not support "being not restricted".

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2626

Claim 1 claims "said coordinates obtaining step being not restricted in sequence of the step to be executed" without specifying what steps belongs to the sequence since we have more than 2 steps. In addition, since step is in singular, clarification is need on what step it is and why there is a sequence if there is only one step in the sequence.

Furthermore, in the image data obtaining step, it is claimed that the received image is subjected to a color correction for the original image without defining or describing what is the color correction, how and when the color correction is performed. Therefore, the "association between colors before and after the color correction is extracted" is indefinite. Besides, clarification on "colors" in line 13 is needed.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 6-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda (US Patent No. 6,172,681).

Concerning claim 1, Ueda discloses a color correcting relation extracting method (Figs.2-4) comprising the steps of obtaining image data output from an input device (image pickup device) for receiving an original image and outputting the image data (from original image memory 3, Fig.2) representative of a received image (in Lab color space) which is subjected to a color correction for the original image; a first conversion step of converting the image data (in Lab color space) into coordinate values of a colorimetric color space (CMY) describing a measured value of a color in accordance with characteristics of an image output of the output device (13); and obtaining the coordinates values of the colorimetric color space (Lab values)

Art Unit: 2626

corresponding to the color of the original image without being restricted in sequence of the steps to be executed (since after the conversion from RGB values to Lab values, the Lab values are stored in the original image memory 3); whereby an association between colors (in Lab values) before the color correction and colors (in CMY values) after the color correction is extracted (LUT in Fig.6), (Abstract; col. 5, line 10 – col. 9, line 33).

Concerning claims 2, 6-8, 10, Ueda further teaches that the coordinates obtaining step includes a characteristic obtaining step of obtaining a characteristic value (RGB) capable of being converted into the coordinate values of the colorimetric color space (Lab), and a second conversion step of converting the characteristic value (RGB) into the coordinate values of the colorimetric color space (Lab), (claim 2); producing a color correction conversion definition defining an association between coordinate values of the colorimetric color space corresponding to colors before and after the color correction, (Fig3), (claim 6); using the color correction conversion definition to convert coordinate values of the colorimetric color space corresponding to colors before the color correction into coordinate values of the colorimetric color space corresponding to colors after the color correction (Fig.4), (claims 7-8); the colorimetric color space comprises a device-independent color space (Lab), (claim 10), (col. 5, lines 10 – col. 7, line 12; col. 8, lines 16-55; col. 9, lines 7-39).

Allowable Subject Matter

7. Claims 3-5, 9 are allowed.

The following is an examiner's statement of reasons for allowance: Claim 9 is allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor

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Art Unit: 2626

based on the prior art, found any motivation to combine any of the said prior art which teaches a color relation extracting method comprising the steps of combining a know-how for converting the colorimetric value into RGB data obtained by photographing a color chart, with a monitor characteristic conversion for converting the RGB data into the colorimetric value of a color of an image on a monitor wherein know-how for a preferable image formation is obtained.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Osawa et al (US Patent No. 6,549,653) discloses a color image processing apparatus for reproduces color data of a subject at higher accuracy.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

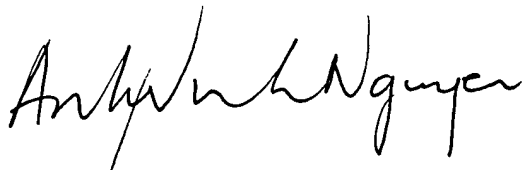
Art Unit: 2626

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


October 1, 2005
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Madeleine AV Nguyen
Primary Examiner
Art Unit 2626

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